

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO CITY CODE, BY AMENDING CHAPTER 20.02 GENERAL PROVISIONS AND DEFINITIONS TO DELETE THE DEFINITION OF SCHOOL AND ADD ELEMENTARY AND SECONDARY SCHOOLS, CHAPTER 20.08 (APPENDIX A), TABLE OF PERMISSIBLE USES, BY DESIGNATING THAT A ~~SPECIAL PERMIT~~DETAILED SITE PLAN SHALL BE REQUIRED FOR COMMUNITY RECREATIONAL FACILITY, LIBRARY, MUSEUM, AND SCHOOL-ELEMENTARY; AMENDING CHAPTER 20.10, SUPPLEMENTAL USE REGULATIONS, BY ADDING A NEW SECTION 20.10.145, CIVIC BUILDINGS, PUBLIC SPACES, AND EDUCATIONAL FACILITIES; AND PROVIDING FOR A PENALTY AS PROVIDED IN CHAPTER 20.24 OF THE CODE.

WHEREAS, Title 20 (Zoning Code) of the El Paso City Code was adopted to promote the health, safety, morals and general welfare of the community; and,

WHEREAS, the Zoning Code provides no standards for the development of certain civic buildings, public spaces, and educational facilities that ensure their compatibility with the goals in the City of El Paso's comprehensive plan, *Plan El Paso*, regarding the development of schools and other civic buildings and spaces which encourages smaller sites, coordination with various stakeholders, and which encourages the use of civic spaces as gathering places that are integrated into existing and new neighborhoods; and,

WHEREAS, the Zoning Code gives the City of El Paso the ability to regulate public facilities in order to achieve harmonious aesthetics in character with surrounding neighborhoods in order to maintain property values; and,

WHEREAS, according to the United States Center for Disease Control, the national childhood obesity rate has more than tripled in the past 30 years; and the percentage of children aged 6–11 years in the United States who were obese increased from 7% in 1980 to nearly 20% in 2008. Similarly, the percentage of adolescents aged 12–19 years who were obese increased from 5% to 18% over the same period; and,

WHEREAS, the childhood obesity rate in El Paso is at 33%, higher than the national average, and since the purpose of the Zoning Ordinance is to promote the health, safety, and general welfare of the community by considering the impacts that the built-environment may have on the physical and mental health of El Paso residents recognizing that one way to improve the health of residents, including children, is to design walkable civic buildings, spaces, and facilities; and,

WHEREAS, the Institute of Medicine of the National Academies of Sciences has issued a major report on obesity and the top recommendation focuses on how to design communities for physical activity, stating that “communities, organizations, community planners, and public health professionals should encourage physical activity by enhancing the physical and built environment, rethinking community design, and ensuring access to places for such activity”; and,

WHEREAS, the rise in rush hour traffic associated with school trips has been identified by the US Environmental Protection Agency as a key contributor to air quality problems in a number of cities; and,

WHEREAS, the Texas Administrative Code, Title 19 Education, Part 2 Texas Education Agency, Chapter 61 School Districts, Subchapter CC Commissioner Rules Concerning School Facilities, Rule §61.1036 School Facilities Standards for Construction on or after January 1, 2004 Subsection (f) Construction quality (4)(C) states: “As part of their school facilities projects, school districts should consider the use of sustainable school designs. A sustainable design is a design that minimizes a facility's impact on the environment through energy and resource efficiency.” and,

WHEREAS, *Plan El Paso* included the input of thousands of El Paso residents and over 150 stakeholder meetings, and through this process there was expressed need for designing schools for walkability by integrating school design into neighborhoods; consideration for achieving this includes, but not limited to, limiting the size of the parcel, integrating facilities into the urban fabric, prominently situated civic buildings, and the use of context sensitive design that considers local architectural, cultural, and historical patterns and traditions; and,

WHEREAS, the Development Coordinating Committee and the City Plan Commission have reviewed and recommended the adoption of changes to the current Zoning ordinance to provide for standards and a review process for the design of civic buildings and spaces; and

WHEREAS, the El Paso City Council finds that the regulations established by this amendment have been adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for the particular uses; with a view of conserving property values and encouraging the most appropriate use of land in the City; and,

WHEREAS, the El Paso City Council, having considered the recommendations and held a public hearing at which the public was allowed to comment on the proposed ordinance amendments, finds that the adoption of the regulations as submitted will further protect and provide for the public health, safety, morals and general welfare of the community, and will carry out the purpose and spirit of the policies and goals expressed in *Plan El Paso*.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

SECTION 1. That Title 20, Chapter 20.02, General Provisions and Definitions, Article II. Definitions be amended to replace and add the following:

Delete the current definition of school in section 20.02.840;

~~“School” “School” means any public, private or parochial institution that offers a course of instruction for any grades from kindergarten through the twelfth grade.~~

Replace it with the following:

20.02.840—School-Elementary, “Elementary school” means any public, private or parochial institution that offers a course of instruction for grades pre-kindergarten through sixth grade.

20.02.841—School-Secondary, “Secondary school” means any public, private or parochial institution that offers a course of instruction for grades seventh through twelfth grade. A single building including a combination of pre-kindergarten through twelfth grade shall be considered a secondary school.

SECTION 2. That Title 20, Appendix A, Table of Permissible Uses, shall be amended to replace Sections 3.19 School, public, private or parochial (9 through 12) and 3.20 School, public, private or parochial (Pre-K through 8) with the following in the use column:

3.19 School-Elementary (Pre-K through 6)

3.20 School-Secondary (7 through 12)

SECTION 3. That Title 20, Appendix A, Table of Permissible Uses, shall be amended replacing the permitted use (“P”) with ~~special-permit~~detailed site plan approval required (“~~DS~~”) in Residential zones (R-1, R-2, R-3, R-4, R-5, RMH), in Apartment zones (A-1, A-2, A-3, A-4, A-O, A-3/O, A-M), Commercial zones (C-OP, C-1, C-2, C-3, C-4, C-5), Special Purpose zones (R-F, PMD, S-D, U-P, P-RI, P-RII, P-C, P-I, SRR) and by adding “Section 20.10.145” to the Supplemental Standards column for the following uses:

- 3.10 Community Recreational Facility
- 3.13 Library
- 3.16 Museum
- 3.19 School-Elementary

SECTION 4. That Title 20, Chapter 20.10, Supplemental Use Regulations be amended to add the following:

20.10.145 – Civic Buildings, Public Spaces, and Educational Facilities

Any civic building, public space, and/or educational facilities as defined in this Title shall conform to, in addition to all other applicable code provisions, the development standards set forth herein.

A. For purposes of this ordinance, a civic building and/or public space shall be categorized and defined as one of the following, which shall be declared by the applicant on the application form for the ~~special-use permit~~detailed site plan:

Neighborhood Facility. A civic building and/or public space designed for and which serves the residents of a neighborhood, which is defined for purposes of this Section as an area of one-half (1/2) square mile. Minimum standards for a Neighborhood Facility shall include:

Maximum Lot Area:	Fifteen (15) contiguous acres
Location:	Allowed on collectors and residential streets
Front yard setback:	Fifty (50) feet maximum
Frontage Build-out:	Sixty Percent (60%) of the building façade (including the main entrance) must remain unobstructed.

Community Facility. A civic building and/or public space designed for and which serves the residents of several neighborhood areas, but within the same approximate geographic area, defined for purposes of this Section as an area of 1 (one) square mile.

Maximum Lot Area:	Twenty-five (25) contiguous acres
Location:	Allowed on Minor Arterials, Collectors, and Residential Streets
Front yard setback:	Eighty (80) feet maximum
Frontage Build-out:	Sixty Percent (60%) of the building façade (including the main entrance) must remain unobstructed

Regional Facility. A civic building and/or public space designed for and which serves the residents of the entire city, nearby communities, and unincorporated areas.

Maximum Lot Area:	Forty (40) contiguous acres
Location:	Allowed in Major and Minor Arterials
Front setback:	One Hundred (100) feet maximum
Frontage Build-out:	Sixty Percent of (60%) the building façade (including the main entrance) must remain unobstructed

B. Minimum Standards for Educational Facilities: For the purpose of this ordinance, an educational facility is defined as a school serving pre-kindergarten through sixth grade (PK-6th).

Maximum Lot Area	Twenty-five (25) Acres
Front yard setback:	One Hundred (100) Feet Maximum
Frontage Build-Out:	Sixty percent (60%) of unobstructed building façade to include the main entrance

C. Additional Requirements: The ~~Special Permit~~ application process for a civic building and/or public space will require a detailed site development plan illustrating integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. ~~Administrative Review~~ and approval of the detailed site development plan must be completed no more than 30 days after submission of a completed application. An application for a detailed site plan under this subsection is exempt from Sections 20.04.150 C. 1. and 2. Administrative Approval and 20.04.150 D City Plan Commission Approval. If no comments are provided by the City to the detailed site development plan within thirty (30) days of submission, the detailed site development plan is deemed approved. Exceptions to the requirements of a detailed site plan, listed in subsection

2(a) through (j) below, may be granted by the City Manager or designee. In the event that the City and the applicant cannot agree on the contents of a proposed detail site development plan, the applicant can appeal to the City Planning Commission within 30-15 business days ~~after from~~ the denial of the application. An application for a ~~special permit~~ detailed site plan must include the following:

1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the civic building and/or public space. Examples of outreach and consultation include but are not limited to notice of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.
2. A detailed site plan must depict the following:
 - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in section 20.10.145(A) Frontage Build-Out. A B street is defined as secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
 - b. Minimum 5-foot sidewalks with minimum 5-foot parkway along all street frontages shall be required.
 - c. In no instance shall parking be placed between the principal entrance and the street. Parking may be placed beyond the sixty percent (60%) unobstructed frontage build-out.
 - d. The number of access points shall not exceed three along any B street and two along any A street.
 - e. The width of driveway apron shall not exceed 28 feet.
 - f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with the surrounding area and/or districts.
 - g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
 - h. Landscaping shall conform to current City regulations.
 - i. Civic buildings may be located adjacent to a public park.
 - j. Principle frontage screening may be constructed and be limited to a 4' maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed 60% frontage build-out as outlined in Section 20.10.145(C)(2)(c).
 - k. Illustrate the quarter-mile (1/4) pedestrian shed in which at a maximum, the following may be illustrated:
 - i. For Neighborhood Facility: 75% of surrounding residential land uses should be included within this shed.

- ii. For Community Facility: 50% of surrounding residential land uses should be included within this shed.
- iii. For Regional Facility: 25% of surrounding residential land uses should be included within this shed.

3. An intergovernmental agreement for the shared use of facilities is encouraged.

D. Educational Facilities: The ~~Special Permit~~ application process for an Educational Facility will require a detailed site development plan illustrating integration of the facility within the neighborhood through building design, placement of buildings, pedestrian walkways within the site, landscaping, and parking areas. ~~Administrative Review~~ and approval of the detailed site development plan must be completed no more than 30 days after submission of a completed application. An application for a detailed site plan under this subsection is exempt from Sections 20.04.150 C. 1. and 2. Administrative Approval and 20.04.150 D City Plan Commission Approval. If no comments are provided by the City to the detailed site development plan within thirty (30) days of submission, the detailed site development plan is deemed approved. Exceptions to the requirements of a detailed site plan, listed in subsection 2(a) through (j) below, may be granted by the City Manager. In the event that the City and the applicant cannot agree on the contents of a proposed detail site development plan, the applicant can appeal to the City Planning Commission within 30-15 business days ~~from~~after the denial of the application. An application for a ~~special permit~~detailed site plan must include the following:

1. Proof of outreach and consultation with stakeholders such as residents, parents, facility-end users, elected officials, and neighborhood associations in planning the development of the educational facilities. Examples of outreach and consultation include but are not limited to notices of meetings, flyers of the event, sign-in sheets, and/or newspaper clippings.
2. A detailed site plan must depict the following:
 - a. Designation of a system of A and B streets serving the facility. An A street is defined as a street that includes a main principle entrance and the architectural and design focal points of the building and/or buildings. Parking is restricted along the A street as outlined in section 20.10.145(A) Frontage Build-Out. A B street is defined as a secondary street where the emphasis should be on driveways, drop-off zones, parking lots, and auxiliary entrances.
 - b. Minimum 5-foot sidewalks with minimum 5-foot parkway along all street frontages shall be required.
 - c. In no instance shall parking be placed directly between the principal entrance and the street. Parking may be placed beyond the sixty percent (60%) unobstructed frontage build-out.
 - d. The number of access points shall not exceed three along any B street and two along any A street.
 - e. The width of any driveway apron shall not exceed 28 feet.

- f. The building design may strive to serve as a community landmark. Factors to be considered may include: the principal entrance of the building should serve as a terminating vista and other architectural design elements should be compatible with the surrounding area and/or districts.
- g. Plazas, courtyards, and/or other passive open space components may be incorporated within the site.
- h. Landscaping shall conform to current City regulations. Exceptions to reduce requirements may be granted as per 18.46.90 of the city's municipal code.
- i. When possible, educational facilities may be located adjacent to a public park.
- j. Principle frontage screening may be constructed and be limited to a 4' maximum combination masonry material and decorative wrought iron screening fence beyond the unobstructed 60% frontage build-out as outlined in Section 20.10.145(D)(2)(c).

- 3. Schools are encouraged to enter into intergovernmental agreements for the shared use of school facilities.

SECTION 5: Except as herein amended, Title 20 (Zoning) of the El Paso City Code shall remain in full force and effect.

PASSED AND APPROVED THIS _____ DAY OF _____, 2013.

THE CITY OF EL PASO

Oscar Lesser
Mayor

ATTEST:

Richarda Momsen
City Clerk

APPROVED AS TO FORM:

Karla M. Nieman
Assistant City Attorney

APPROVED AS TO CONTENT:

Mathew S. McElroy, Director
City Development Department